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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CAREN EHRET, individually and on behalf of a class of similarly situated persons,

Plaintiff,

V.

**UBER TECHNOLOGIES, INC., a
Delaware Corporation,**

Defendant.

Case No. 3:14-cv-113-EMC

**JOINT STIPULATION ON THE FILING OF
PLAINTIFF’S AMENDED COMPLAINT AND
BRIEFING ON DEFENDANT’S MOTION TO
DISMISS THE AMENDED COMPLAINT**

Plaintiff Caren Ehret (“Plaintiff”) and Defendant Uber Technologies, Inc. (“Defendant” or “Uber”) (collectively, the “Parties”), by and through their attorneys of record, STIPULATE AS FOLLOWS:

1 WHEREAS, Plaintiff filed this lawsuit on January 8, 2014 alleging a single count against
2 Defendant under California's Unfair Competition Law, California Business and Professions
3 Code § 17200, *et seq.* ("UCL");

4 WHEREAS, on March 20, 2014, Plaintiff's counsel informed Defendant that they
5 intended to file an amended complaint, which, among other things, would add a claim for
6 damages under the Consumers Legal Remedies Act, Cal. Civ. Code § 1750, *et seq.* ("CLRA");

7 WHEREAS, on March 24, 2014, Plaintiff served Defendant by certified mail a CLRA
8 violation notice and demand pursuant to Cal. Civil Code § 1782(a);

9 WHEREAS, Cal. Civil Code § 1782(a) does not permit the commencement of an action
10 for damages under the CLRA until thirty (30) days after service of a CLRA violation notice and
11 demand on the defendant;

12 WHEREAS, on April 2, 2014, Plaintiff filed a motion for leave to file an amended
13 complaint on April 30, 2014 (Doc. 28) and also filed a proposed amended complaint (Doc. 29);

14 WHEREAS, on April 9, 2014, the Court granted Plaintiff's motion and allowed her April
15 2, 2014 filing of the proposed amended to complaint to stand as the amended complaint;

16 WHEREAS, the Court's April 9, 2014 order "deem[ing] the amended complaint filed as
17 of April 2, 2014," results in the commencement of a CLRA damage claim prior to the expiration
18 of the thirty (30) day period required under Cal. Civil Code § 1782(a);

19 WHEREAS, the Parties have met and conferred and in the interest of avoiding delay and
20 further unnecessary briefing and/or motion practice agree to that the proposed amended
21 complaint filed on April 2, 2014 (Doc. 29) shall be treated as a "proposed" filing and that
22 Plaintiff shall be allowed to file her amended complaint on or before April 30, 2014;

23 WHEREAS, Plaintiff intends to make two small additions to Paragraphs 2 and 11 of her
24 amended complaint that were not included in her proposed amended complaint filed on April 2,
25 2014, which additions Defendant has agreed can be included in Plaintiff's amended complaint
26 and are as follows (in underline):
27
28

2. More specifically, Uber advertises and represents on its website and other marketing materials that gratuity will be automatically added at a set percentage of the metered fare and that that “gratuity” is automatically added “for the driver.”

11. On its website and on its app Uber represents its “Hassle-free Payments” as follows: “We automatically charge your credit card the metered fare + 20% *gratuity*.” (italics added). Uber further represents that the “20% gratuity is automatically added for the driver.”

WHEREAS, the Parties have further agreed to the following briefing schedule, subject to the Court’s approval, for Defendant’s anticipated motion to dismiss the amended complaint: (i) Defendant shall file its motion to dismiss on June 11, 2014, (ii) Plaintiff’s response in opposition shall be filed on July 9, 2014, and (iii) Defendant’s reply thereto shall be filed on July 23, 2014.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE PARTIES THAT:

- (1) Plaintiff’s filing on April 2, 2014 (Doc. 29) shall be treated as a “proposed” amended complaint;
- (2) Plaintiff shall be granted leave to file her actual amended complaint, including the additions referenced above, on or before April 30, 2014; and
- (3) Defendant shall file its motion to dismiss the amended complaint on June 11, 2014, Plaintiff’s response in opposition shall be filed on July 9, 2014, and Defendant’s reply thereto shall be filed on July 23, 2014.

IT IS SO STIPULATED.

By: /s/ Myron M. Cherry
Myron M. Cherry
Attorney for Plaintiff

By: /s/ Stephen A. Swedlow
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PURSUANT TO STIPULATION, IT IS SO ORDERED . Motion hearing is set
for 8/14/14 at 1:30 p.m.

DATED: 4/24/14

